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November 22, 2005

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RE: United States Patent Application
Serial No.: 10/718,167
Entitled: **PERCUSSION HAMMER BIT RETAINER SYSTEM**
Our Reference No.: 80558.00002

Dear Sir or Madam:

Enclosed for filing with the papers of the above-referenced application are the following documents:

1. Response to Notice of Non-Compliant Amendment (7 pages);
2. Copy of Notice of Non-Compliant Amendment (2 Pages); and
3. Acknowledgement Post Card.

The Commissioner is hereby authorized to charge any deficiency in fees or credit any overpayment to Deposit Account No. 502248.

Respectfully submitted,

Cline H. White
Reg. No. 45,213

EXPRESS MAIL "Post Office to Addressee" Mailing
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Date of Deposit: <u>November 22, 2005</u>

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Enclosures



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,167	11/20/2003	Gregory Dee Hawley	P-122896.01(uti)	9339
7590	10/26/2005			
Cline H. White JACKSON WALKER L.L.P. Suite 2100 112 E. Pecan Street San Antonio, TX 78205			EXAMINER BATES, ZAKIYA W	
			ART UNIT 3676	PAPER NUMBER
DATE MAILED: 10/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

NOV 22 2005
PATENT & TRADEMARK OFFICE
U.S. PATENT AND TRADEMARK OFFICE

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No. 10718167 Examiner Bates	Applicant(s) Art Unit 3676
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on _____ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
 - A. Amended paragraph(s) do not include markings.
 - B. New paragraph(s) should not be underlined.
 - C. Other _____
- 2. Abstract:
 - A. Not presented on a separate sheet. 37 CFR 1.72.
 - B. Other _____
- 3. Amendments to the drawings:
 - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - C. Other _____
- 4. Amendments to the claims:
 - A. A complete listing of all of the claims is not present.
 - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - D. The claims of this amendment paper have not been presented in ascending numerical order.
 - E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preonotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
 Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Wanda Brown

Legal Instruments Examiner (LIE)

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